

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 99 - SB 1137**

March 16, 2017

**SUMMARY OF BILL:** Authorizes partial expungement for traffic violations. Clarifies what records must be expunged for partial expungements. Increases the fine for seat belt violations by \$5.00, which is to be retained by the court clerks.

**ESTIMATED FISCAL IMPACT:**

**Increase State Revenue – \$5,000/TBI**

**\$13,100/District Attorneys**

**\$1,500/Public Defenders**

**\$14,500/General Fund**

**Increase Local Revenue – \$591,900/Court Clerks**

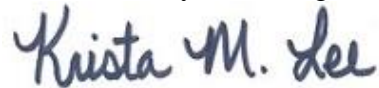
**Assumptions:**

- The proposed legislation authorizes partial expunction of records for moving or nonmoving traffic violations. Traffic violations can increase a driver's premiums for automotive insurance.
- It is assumed that there will be increased expunction petitions filed as a result of the proposed legislation.
- It is assumed that the proposed legislation will result in 100 additional expunction petitions each year.
- A petitioner seeking an expunction must pay a \$350 fee in addition to a \$100 fee charged by court clerks.
- Under Tenn. Code Ann. § 40-32-101(g)(10), the \$350.00 fee is distributed as follows:
  - \$10.00 to the court clerk collecting the fee;
  - \$50.00 to the Tennessee Bureau of Investigation (TBI);
  - The remainder (\$290.00) is distributed:
    - 5 percent (\$14.50) to the public defenders expunction fund;
    - 45 percent (\$130.50) to the district attorneys expunction fund; and
    - 50 percent (\$145.00) to the general fund.
- The proposed legislation will increase recurring state revenue as follows:
  - TBI – \$5,000 (100 petitioners x \$50);
  - Public Defenders – \$1,450 (100 petitioners x \$14.50);
  - District Attorneys – \$13,050 (100 petitioners x \$130.50);
  - General Fund – \$14,500 (100 petitioners x \$145).

- The proposed legislation will result in a recurring increase in local revenue to court clerks of \$11,000 (100 petitioners x \$110 to court clerks).
- The proposed legislation increases the fine for seat belt violations under Tenn. Code Ann. § 55-9-603 by \$5.00, which is to be retained by the court clerk.
- Statistics from the Department of Safety indicate that there has been an average of 116,187 seat belt violations each year over the last two years.
- The proposed legislation will result in a recurring increase in local revenue estimated to be \$580,935 (116,187 x \$5.00).
- The proposed legislation will result in a total recurring increase in local revenue estimated to be \$591,935 (\$11,000 + \$580,935).

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/trm